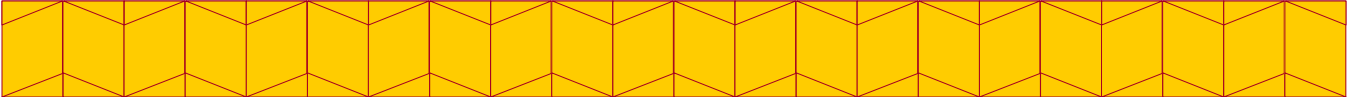




HRO NEWSLETTER

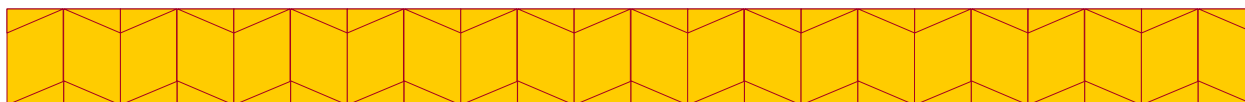
New Mexico National Guard

Newsletter Dated 01 Mar 04
Volume 1, Issue 8



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NEW TEMPORARY HEALTH BENEFITS FOR RESERVES ANNOUNCED

The Department of Defense announced today that it will implement the “2004 Temporary Reserve Health Benefit Program” for certain eligible Reserve Component sponsors and their family members.

The Emergency Supplemental Appropriations Act and the National Defense Authorization Act (NDAA) for fiscal 2004 authorized new health benefits, some permanent and some temporary. The 2004 Temporary Reserve Health Benefit Program includes three temporary Tri-care benefit provisions; some are effective as of Nov. 6, 2003, and all expire Dec. 31, 2004. Total expenditures for these new provisions may not exceed the \$400 million limit established by Congress for fiscal 2004. Tri-care Management Activity will implement the new provisions in phases starting in the spring.

“These new temporary provisions were designed by Congress to improve readiness and enhance access to care for Reserve service members and their families,” said Dr. William Winkenwerder Jr., assistant secretary of defense for health affairs. “We are implementing these new provisions as soon as possible,” he said.

One provision temporarily authorizes Tri-care medical and dental coverage for Reserve component sponsors activated for more than 30 days and their family members. Eligibility begins either on the day the sponsor receives delayed-effective date active duty orders or 90 days prior to the date the active duty period begins, whichever is later.

A second provision temporarily extends eligibility for Tri-care benefits to 180 days under the Transitional Assistance Management Program for Reserve component sponsors who separate from active duty status during the period Nov. 6, 2003 through Dec. 31, 2004, and their eligible family members.

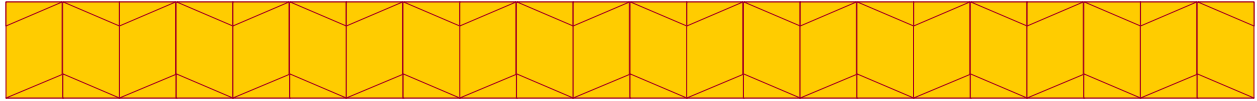
The third provision temporarily extends Tri-care medical benefits to Reserve component sponsors and family members who are either unemployed or employed but not eligible for employer-provided health coverage.

These temporary provisions end on Dec. 31, 2004.

“We encourage Reserve component sponsors and family members to save health care receipts, claims and explanation of benefits for dates of service from Nov. 6, 2003, through Dec. 31, 2004. This is necessary in the event the sponsor is determined to be eligible and the care qualifies for retroactive Tri-care reimbursement once the 2004 Temporary Reserve Health Benefit Program begins,” said Winkenwerder.

The three permanent health benefit provisions of the NDAA include: benefit counselors for the Reserve component in each Tri-care region; authorization for medical and dental screening and care for members alerted for mobilization; and Tri-care eligibility for reserve officers pending orders to active duty following commissioning.

Additional information for Reserve component families, who have questions regarding the Tri-care benefit or need assistance processing Tri-care claims, are available on the Tri-care Web site at <http://www.tricare.osd.mil/> and the Reserve Affairs Web site at <http://www.defenselink.mil/ra>. Each Tri-care region will soon have a designated beneficiary counseling and assistance coordinator available to assist members and families with understanding and using their enhanced Tri-care benefits.



HOW TO MANAGE ANGER

Constantly blowing your stack not only alienates others, it can contribute to health problems, including headaches, stomach upset and heart attack. To take control:

COUNT to 10. When something angers you, give your body time to defuse before you react. Take three or four deep breaths. Ask yourself: “Will this really matter a year from now?”

WALK it off. Go for a short stroll until you calm down. Helpful: Find a quiet place where you can think out loud and take a second look at how you’re reacting to a situation.

DISTRACT yourself. Example: In a traffic jam, play soothing music or listen to a relaxing program instead of pounding the horn. At work, dive into a task to turn negative energy positive.

KEEP a log. Monitor hostile thoughts to discover how frequently your temperature rises. Benefit: You’ll help sort out the real cause of your anger, which are often things over which you have no control.

ASK for help. If managing outbursts seems impossible, don’t be afraid to try counseling, mediation, lifestyle changes or other kinds of outgoing psychological help. Your health may depend on it.

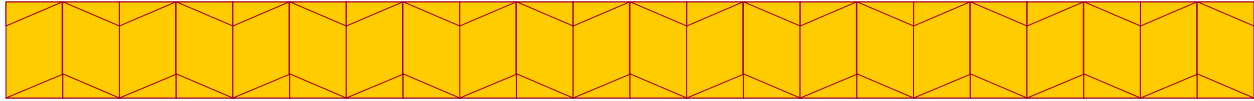
*SMILE: It’s Much,
Much Easier!*

FACT: It takes 43 face muscles to frown, but only 15 to smile!

QUICK HANDS—ON STRESS RELIEF

Got a minute? Get a massage — a self massage, that is. These moves will relieve tension around your head, neck and shoulders:

1. The scalp soother. Place thumbs behind your ears and spread fingers on top of your head. Move your scalp back and forth slightly by making circles with your fingertips for 15-20 seconds.
2. The eye easer. Close your eyes and place your ring finger directly under your eyebrow, near the bridge of your nose. Slowly increase pressure for five seconds, then gently release. Repeat 2-3 times.
3. The shoulder saver. Place your left hand on the right side of your neck by the your shoulder. Press fingers firmly into the muscle while tucking your chin in toward your chest. Exhale and hold for 10 seconds, release, then repeat on the left side.



U.S. FLAG INSIGNIA TO BE WORN BY ALL

All soldiers can now wear the U.S. flag insignia on the right shoulder of their utility uniform, as a reminder that the Army is engaged in a war at home and abroad.

“The flag has been around for years to identify deploying troops. Now based on the Army’s joint expeditionary mindset, the flag represents our commitment to fight the war on terror for the foreseeable future,” said SGM Walter Morales, the Army Uniform Policy Proponent for G1.

Army Chief of Staff Gen. Peter Schoomaker approved the uniform change Feb 11, and soldiers have until Oct. 1, 2005 to get the insignia sewn on their uniforms.

Currently, inventory of flags is very limited, which is why soldiers have a substantial amount of time to get the flags procured and sewn on, Morales said. Deploying troops have the priority. Everyone else will have to wait until the Defense Logistics Agency has more in stock, he said. An estimated seven million flags need to be procured, he added.

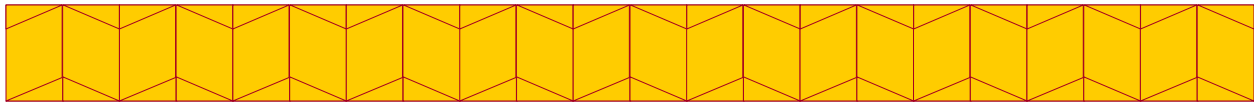
Enlisted soldiers will not have to purchase the flags. They will be issued five flags from their assigned unit, and commanders will make arrangements for getting the insignia sewn on, Morales said. However, if soldiers purchase the flags on their own, they will not be reimbursed, he added.

When purchasing flags, the only ones authorized for wear on the uniform is the reverse-side, full-color, U.S. Flag insignia in red, white and blue. Subdued flags and those in other colors are in violation of the U.S. Code, Morales said. Individuals need to comply with Army Regulation 670-1, Wear and Appearance of the Army Uniform and Insignia.

The regulation still states that Soldiers are not authorized to wear the full color cloth U.S. flag replica upon their return to home station. However, the latest change will be disseminated in a message from the Army staff and it will be added to the regulation when it is revised sometime this year, Morales said.

Nothing has changed regarding the placement of the flag, Morales said. It is worn on the right shoulder 1/2 inches below the shoulder seam. If a combat patch is also placed on the right shoulder, the flag is sewn 1/8 inch below the combat patch.

“The flag is worn on the right shoulder to give the effect of the flag flying in the breeze as the wearer moves forward,” Morales said. “This will serve as a vivid reminder that the Army is ready to defend our nation—a nation at war.”



59 MINUTE RULE

'59 minute rule' can be used for unexpected leave

WHAT IT IS: Holiday travel, unexpected family emergencies, and extreme weather can require employees to request unplanned leave. In cases such as these, supervisors may grant the "59 minute rule."

Although leave charges are generally made in increments of one hour, supervisors have the authority to grant brief excused absences on an individual basis for periods less than one hour -- or 59 minutes.

The authority can be used for all employees as long as the reasons are justifiable. Cases of occasional tardiness to work, for example, due to a flat tire or problem at home can also be covered by the rule. However, it may not be combined with breaks, lunch periods or any other type of leave. And it is best if used sparingly to avoid overuse by employees.

A spokesman with the **Office of Personnel Management** said the flexibility is not officially referred to as the "59 minute rule," but it can be construed from the language of [5 CFR 630.206](#) under "Minimum Charge." The rule defines the following examples:

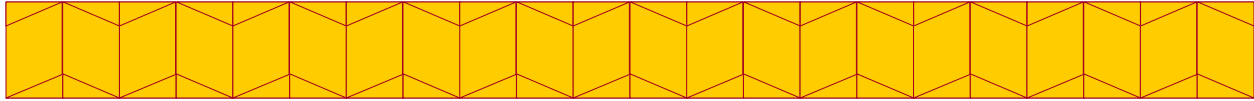
- Unless an agency establishes a minimum charge of less than one hour, or establishes a different minimum charge through negotiations with unions, the minimum charge for leave is understood as one hour.
- If an employee is unavoidably absent or tardy for less than one hour, the agency for adequate reason may excuse the employee without charge to leave. Requests for leave within "59 minutes" can encompass reasons for inclement weather and holiday observance or travel.

When an employee is granted leave for an unauthorized absence or tardiness, the agency may not require the employee to perform work for any part of the leave period.

- If an employee is unavoidably absent or tardy for less than one hour, the agency for adequate reason may excuse the employee without charge to leave. Requests for leave within "59 minutes" can encompass reasons for inclement weather and holiday observance or travel.
- When an employee is granted leave for an unauthorized absence or tardiness, the agency may not require the employee to perform work for any part of the leave period.

Under the rule, an excused absence is further defined as an absence from duty administratively authorized without loss of pay or charge to other paid leaves.

For Human Resources questions or concerns, please any of the Human Resources Staff. A complete list of personnel and their specialty can be found on the HRO web page at www.nm.ngb.army.mil by clicking on HRO Jobs and then HRO Staff.



MIDTERM BARGAINING AND THE "COVERED BY" DOCTRINE

Midterm Bargaining

In OPM's Labor Management Relations Advisory 99-1 (March 18, 1999), we examined the Supreme Court's decision regarding midterm bargaining (*NFFE Local 1309 v. Department of the Interior*, 119 S.Ct. 1003 (1999)). The Court did not decide whether midterm bargaining was permitted under the Federal Labor-Management Relations Statute. Rather, the Court noted:

In light of our determination that the Statute does not resolve the question of midterm bargaining, nor the related question of bargaining about midterm bargaining, we believe the Authority [FLRA] should have the opportunity to consider these questions aware that the Statute permits, but does not compel, the conclusions it reached.

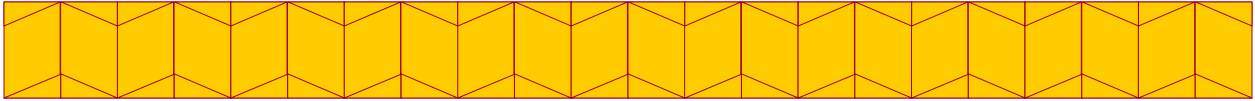
The Court remanded the matter to the Court of Appeals for the Fourth Circuit for further proceedings.

On remand from the Fourth Circuit, the FLRA (in a split decision) found otherwise negotiable union initiated midterm bargaining proposals to be a statutory right of the union. [We hold that agencies are obligated to bargain during the term of a collective bargaining agreements on negotiable union proposals concerning matters not "contained in or covered by" the existing agreement unless the union has waived its right to bargain about the subject matter involved. [*Department of the Interior, U.S. Geological Survey and NFFE, Local 1309*, 56 FLRA No. 6.]

The majority, in declining to either broaden or constrict its current application of the "contained in or covered by doctrine" said: "However, because deciding these and other related issues is not required to resolve the instant case, we will not consider them here." In her dissent, Chair Cabaniss indicated that she agreed with the finding that the agency had committed an unfair labor practice by refusing to bargain. However, she did not agree that there was a statutory obligation for the agency to bargain. Rather, her view was that the proposal was not inconsistent with law or regulation.

I also disagree with the decision by the majority to not seek input . . . regarding the issue of "zipper clauses," a matter too intertwined with midterm bargaining to ignore. . . . [The majority consciously chooses not to address possibly the most crucial aspect of midterm bargaining by refusing to even seek information regarding zipper clauses and their effect, if any, on union midterm bargaining. . . . Accordingly, I respectfully dissent from the majority's resolution of the statutory duty to bargain issue and would not, without first obtaining more data, determine the question of whether the Statute requires bargaining on all negotiable union midterm bargaining proposals not covered by the parties' agreement, even in the absence of a contractual entitlement to do so.

I note, however, that addressing the issues of an independent statutory right to engage in



Union midterm bargaining was not necessary to the resolution of the original decision giving rise to this matter (even though the Authority addressed at that time the larger issue of the statutory question rather than limiting itself to just the issue of contractual obligation to bargain), and still is not necessary to resolving this case at this time....Whether a contract proposal (mandating union midterm bargaining) conflicts with the Statute is a different question from whether the Statute provides unions with the right independent of any contractual right to do so.

"Covered-By" Doctrine

The definitive test for determining when a matter is contained in or covered by a collective bargaining agreement was previously established by the FLRA in *U.S. Department of Health and Human Services, Social Security Administration and AFGE, National Council of Social Security Administration Field Office Locals*, 47 FLRA No. 96. That framework (a three prong test) was to be used only in cases in which the agency's assertion that it had no obligation to bargain was based on the terms of a collective bargaining agreement. Under the first prong, the FLRA attempts to determine whether the express language of the contract "reasonably encompasses the subject in dispute."

Initially, we will determine whether the matter is expressly contained in the collective bargaining agreement. In this examination, we will not require an exact congruence of language, but will find the requisite similarity if a reasonable reader would conclude that the provision settles the matter in dispute.

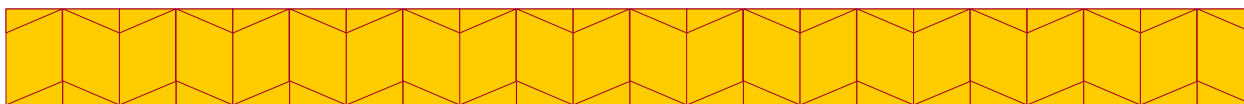
See, e.g., *McClellan Air Force Base and AFGE, Local 1857*, 47 FLRA No. 116; *USDA Forest Service, Pacific Northwest Region*, 48 FLRA No. 89; and *Defense Commissary Agency Fort Monroe, Virginia and National Association of Government Employees, Local R4-11*, 49 FLRA No. 1.

The second prong (which is used only if the express language does not encompass the matter) asks whether the subject in dispute is "inseparably bound up with" and thus an "aspect" of a subject expressly covered by the contract.

If the provision does not expressly encompass the matter, we will next determine whether the subject is "inseparably bound up with and . . . thus [is] plainly an aspect of . . . a subject expressly covered by the contract." In this regard, we will determine whether the subject matter of the proposal is so commonly considered to be an aspect of the matter set forth in the provision that the negotiations are presumed to have foreclosed further bargaining over the matter, regardless of whether it is expressly articulated in the provision. If so, we will conclude that the subject matter is covered by the contract provision.

See, e.g., *Marine Corps Logistics Base, Barstow, CA, and AFGE Local 1482*, 48 FLRA No. 10; *Scott Air Force Base and NAGE, Local R7-23*, 49 FLRA No. 130; and *INS and AFGE National Border Patrol Council*, 51 FLRA No 103.

The third prong is applied in cases where it is difficult to determine whether the subject matter sought to be bargained in an aspect of matters already negotiated. The FLRA will give controlling weight to the parties' intent.



Department of Veterans Affairs Medical Center, Denver, CO, and Veterans Canteen Service, Denver, CO, and American Federation of Government Employees, Local 2241, 51 FLRA No. 16. This prong is not a separate, independent criterion, but rather “an integral component of that part of the “covered by’ analysis to determine whether the matter sought to be bargained is inseparably bound up with and this is plainly as aspect of a subject covered by the contract.” U.S. Customs Service, Customs Management Center, Miami, FL, and National Treasury Employees Union, Chapter 137, 56 FLRA No. 136.

We recognize that in some cases it will be difficult to determine whether the matter sought to be bargained is, in fact, as aspect of matters already negotiated..... To determine whether such matters are covered by the agreement, we will examine whether, based on the circumstances of the case, the parties reasonably should have contemplated that the agreement would foreclose further bargaining in such instances. In this examination, we will, where possible or pertinent, examine all record evidence. . . . If the subject matter in dispute is only tangentially related to the provisions of the agreement and, on examination, we conclude that it was not a subject that should have been contemplated as within the intended scope of the provision, we will not find that it is covered by that provision. [Citations omitted.]

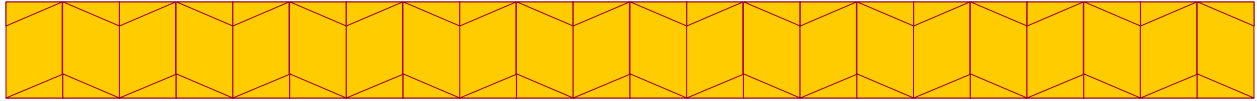
Conclusion

Notwithstanding the strong dissent of Chair Cabaniss, the FLRA has now concluded that unions have a *statutory* right to initiate midterm bargaining on otherwise negotiable subjects. An exception to this duty to bargain is if the matter is already "contained in or covered by" the existing agreement. The criteria established by the FLRA to determine if a particular matter is "covered by" was established in 1993. The focus of attention may now likely turn from a statutory obligation to bargain to another examination of the "covered by" doctrine. Given a different fact situation, the FLRA may yet decide to seek input and address the issue of "covered by" and other waivers by unions of this statutory right.

For Labor-Management questions or concerns, contact Mr. Steve R. Moya at (505) 474-1295, DSN 867-8295 or via email at steve.moya@nm.ngb.army.mil

New Deputy HRO

Mr. Steve Moya was selected as the first Deputy Human Resources Officer in the New Mexico National Guard. He comes to this position with over 20 years of personnel experience. Mr. Moya has worked in the Human Resources Office since 1991 as Employee Development Specialist, Labor Relations Specialist, Employee Relations Specialist, State Equal Employment Manager, and AGR Program Manager. He retired from AGR status with 28 years of military service and is now employed as a competitive technician.



HUMOR OF THE QUARTER

“In Uniform”

On his very first parachute jump, Private Jones couldn't get his canopy to deploy. Free falling out of control, he saw to his amazement, a woman rocketing upward, toward him. “Know anything about parachutes?” he yelled. “Sorry,” she shouted back. “Know anything about gas grills?”

Two green recruits found three hand grenades on the road and decided to take them back to the base. “What if one of them explodes?” asked one young private. “No problem,” said his buddy. “We'll say we only found two.”

“BET YOU DIDN'T KNOW”

Men are 20% more likely than women to sneeze in a dusty room.

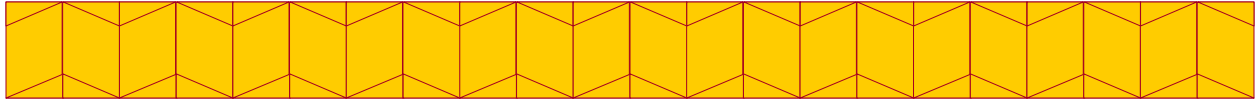
A cup of coffee flavored yogurt contains about as much caffeine as a 12 ounce can of soda.

Dandruff is not caused by dry scalp — fact is, it's more common with oily scalps.

Whispering when you're hoarse is actually worse for your vocal cords than speaking normally.

“Rx,” the symbol appearing on prescriptions, means “take,” from the Latin word for recipe.





RECENT AWARD GIVEN TO TECHNICIANS

Technicians recognized for performance — November—February

ARMY:

Robert Glover	Individual Cash Award
Maria Anna Gonzales	Individual Cash Award
Chris Griego	Individual Cash Award
Margie Guerrero	Individual Cash Award
Vicentita Lujan	Individual Cash Award
Veronica McCormick	Individual Cash Award
Marlene Montoya	Individual Cash Award
Liz Perry	Time Off
Harry Sanchez	Individual Cash Award
Jonah Tapia	Individual Cash Award
Ralph Telles	Individual Cash Award
Elaine Trujillo	Individual Cash Award
John Trujillo	Individual Cash Award
Leticia Uranga	Quality Step Increase

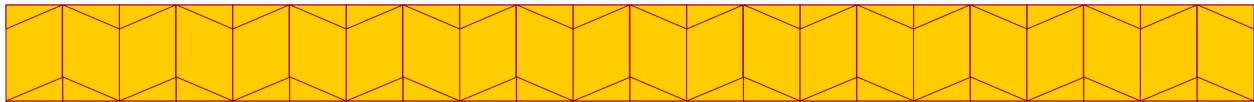
AIR:

Angelo Saiz	Time Off
George White	Suggestion

Congratulations to the above individual for an outstanding job.

Supervisors wishing to put their employees in for an award should reference TRP 451. Supervisors can contact SGT Randy Trujillo (Ext. 1028) with any questions regarding this program.





National Origin Discrimination

Whether an employee or job applicant's ancestry is Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same employment opportunities as anyone else. EEOC enforces the federal prohibition against national origin discrimination in employment under Title VII of the Civil Rights Act of 1964, which covers employers with fifteen (15) or more employees.

"With American society growing increasingly diverse, protection against national origin discrimination is vital to the right of workers to compete for jobs on a level playing field," said EEOC Chair Cari M. Dominguez on national origin discrimination. "Immigrants have long been an asset to the American workforce. This is more true than ever in today's increasingly global economy. Recent world events, including the events of September 11, 2001, only add to the need for employers to be vigilant in ensuring a workplace free from discrimination."

About National Origin Discrimination

National origin discrimination means treating someone less favorably because he or she comes from a particular place, because of his or her ethnicity or accent, or because it is believed that he or she has a particular ethnic background. National origin discrimination also means treating someone less favorably at work because of marriage or other association with someone of a particular nationality.

Examples of violations covered under Title VII include:

- Employment Decisions Title VII prohibits any employment decision, including recruitment, hiring, and firing or layoffs, based on national origin.
- Harassment
Title VII prohibits offensive conduct, such as ethnic slurs, that creates a hostile work environment based on national origin. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.
- Language

o Accent Discrimination

An employer may not base a decision on an employee's foreign accent unless the accent materially interferes with job performance.

o English fluency A fluency requirement is only permissible if required for the effective performance of the position for which it is imposed.

o English only

English-only rules must be adopted for nondiscriminatory reasons. An English-only rule may be used if it is needed to promote the safe or efficient operation of the employer's business.

Coverage of Foreign nationals

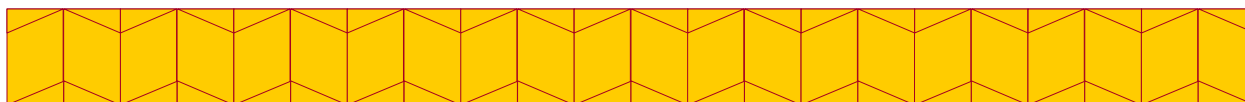
Title VII and the other anti-discrimination laws prohibit discrimination against individuals employed in the United States, regardless of citizenship. However, relief may be limited if an individual does not have work authorization.



CONTINGENCY OPERATIONS AND TECHNICIAN ENTITLEMENTS

When a technician is deployed for a contingency operation, several things have to happen:

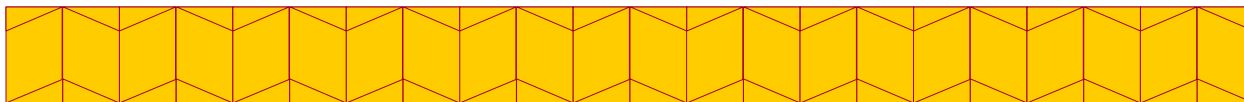
1. ***The Benefits section of the HRO needs to be informed: Geni Hatch @ ext. 1286 or Randy Trujillo @ext.1028***
2. HRO needs to do an out-briefing.
3. The employee or his supervisor does an SF52 to tell HRO when the employee will go on LWOP for his military duty. **Include a copy of orders.**
4. The employee needs to make choices about keeping his FEHB, TSP loan payments, Reliastar insurances and using military leave, annual leave, comp time and awarded time. (All of these issues are covered in the briefings).
5. The employee needs to work with his time-keeper to schedule any available leave and do time cards to cover the leave requests.
6. In the event that a **temporary** employee is deployed, his/her supervisor needs to let HRO know ASAP. The temporary technician has no benefits, but does have re-employment rights to the unexpired term of his appointment. Recently we were told a month after the fact that several temps were no longer with us because they had been deployed. If time cards aren't turned in and there is no SF50 processed to get the employee dropped from pay, the system may keep paying the person erroneously. This creates a debt that the agency has to try to collect. This can all be avoided by letting HRO know right away that a technician has resigned, been deployed or been terminated.
7. If a deployed technician is sent back to home station and comes off orders, HRO needs to know that too, so we can do a Return to Duty in order for the technician to resume his benefits and pay. The permanent technician has the right to use 5 days of admin leave at the end of the orders, but must be returned to duty in the system to be able to use these 5 days. These days are to be used immediately, not hoarded to use in a month or two. The purpose is to allow the returning technician a period of time to get his affairs in order and "decompress" after the military service and travel to return to his home of record.



EFFECTS OF NON-PAY STATUS FOR TECHNICIANS

Have you ever wondered what happens when you are in a non-pay status for a while? If it is for military duty, there is no effect, but if you are LWOP for any other reason, there are consequences after certain periods of time.

DETERMINATION	NUMBER OF DAYS/HOURS IN NON-PAY STATUS ALLOWED WITHOUT PENALTY	
Initial appointment probationary period	Any non-pay time in excess of 22 <i>workdays</i> extends the probationary period by that number of days.	
Supervisory/Managerial probationary period	Same as above.	
Career Tenure	Any non-pay time in excess of 30 <i>calendar</i> days for each period of absence extends the service date by that number of days.	
Leave Earning	If an employee is in a non-pay status for an entire pay period, no annual or sick leave will be earned for that pay period. If the non-pay time occurs during part of one or more pay periods, the employee continues to earn leave until the non-pay time totals 80 hours. Then leave is reduced by the amount the employee earns during a pay period.	
Service Computation Dates	6 months of regular non-pay time is creditable in a calendar year. The SCD must be adjusted by the amount of non-pay time in excess of 6 months, unless the non-pay time is for military duty.	
Within Grade Increase Schedule	Waiting Period For Step	Non-pay time allowed
General Schedule	2-3-4	2 work weeks (80 hours)
	5-6-7	4 work weeks (160 hours)
	8-9-10	6 work weeks (240 hours)
Within Grade Increase Schedule	Waiting Period For Step	Non-pay time allowed
Federal Wage System	2	1 work week (40 hours)
	3	3 work weeks (120 hours)
	4-5	4 work weeks (160 hours)



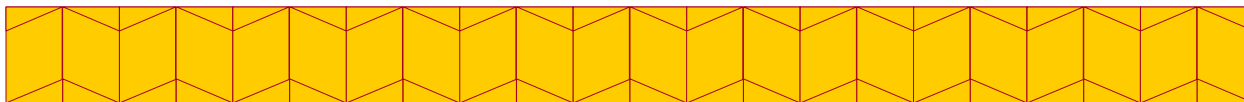
FEHB AND YOU

Your federal health benefits have become more and more complex these last few years. With the policy of making your health premiums non-taxable, new rules came into effect. The most notable change was that you could no longer drop your coverage outside of an open season unless you have a life event such as death or divorce or no one meeting the definition of family member. For instance if a covered child reaches the age of 22 he/she is no longer covered. If that person was the only family member on your coverage, you would then have the right to terminate your own coverage if you wanted to do so.

The most beneficial addition to health care coverage is the fact that if you are deployed for a contingency operation and choose to keep your health care coverage while on Leave Without Pay for Military Duty, the agency will pick up your share of the premiums for the duration of your LWOP. This is really good for the families who don't have access to Tri-Care providers in outlying areas. For those deployed who may be extended beyond the 18 months originally allowed for the agency to pay the total premium, OPM is in the process of publishing a new policy letter. This will state that original orders must end, the technician ***must*** return to duty for one day, and ***then new orders must be published and a new period of LWOP-Military must begin to be eligible for the agency premium payment.***

The second beneficial policy concerning FEHB while on LWOP for Military duty is the procedure that applies to retroactive payment of premiums for those employees who chose to keep their health coverage while on certain active duty from Dec 8, 1995 through September 14, 2001. Employees called to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10, USC who were placed on leave without pay or separated from service to perform active duty, and paid their share of the premiums can now be reimbursed for those premiums. If you think you may be eligible for this benefit, please contact Geni Hatch in the HRO at DSN: 867-8286 or commercial 505-474-1286 for the claim information.

One last item of information which needs clarification: when some providers raised their premiums this year, a lot of people were not paying attention during the Open Season. As a result when the new premiums went into effect, a lot of people were shocked at the increase and asked if they could change providers. Once the open season has passed, so has the opportunity to change providers without a qualifying event such as a change in family status or a move from HMO coverage.



COMMON SANCTUARY QUESTIONS

What is sanctuary?

Title 10 USC, 12686a. Commonly referred to as “18 year lock in”, “Sanctuary” is the term that is being used to for Reserve Component (RC) soldiers who are mobilized, and have achieve 18+ years of active federal service (AFS), and are retained on active duty to achieve 20 years of Active Federal Service and become eligible for regular retirement.

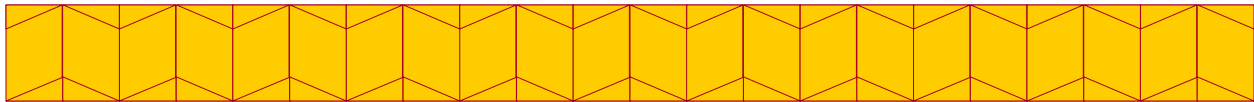
What is PERSCOMS Reserve Component Support Services Division (RC SPT SVC DIV) role in your sanctuary?

Our mission is to assist Reserve Component soldiers under several programs to include the sanctuary process. Our main goal is to attempt to make the transition from Reserve Component to Active Component to Retirement as smooth and efficient as possible. We will send notification memos to you and your command approximately 120 days from retirement that will explain what steps need to be initiated. If you fail to receive a memo 120 days out from your expected retirement date, please contact us immediately. If you wish to retire before your end of orders date you need to inform us 6 months out so we can initiate the retirement process. We do not retire you, but we assist the installation in the process. You are not authorized to go beyond the end date on your orders and must retire by that date without prior approval by the proper authority.

Please call us if you have any questions or concerns. We are here to help.

Is there anything that I need to do in regard to my Reserve Component (RC) Unit?

Communication between you and your RC unit is a must. Keep in mind that once you declare and are granted sanctuary you will be retiring upon release and will not be returning to your RC unit. There are administrative actions you must complete which may include, closing out any OERS/NCOERS. You must turn in all unit equipment and clear all hand receipts. Failure to do so will generally result in a statement of charges, or a formal investigation. Be proactive in this and properly clear your unit. Obtaining your clothing record from your RC supply is part of out processing your unit. You are responsible to report at your gaining command with your initial issue. Therefore, **do not** turn in your Initial Military Issue. If you have any additional questions concerning this issue, check with your unit supply clerk. To separate completely from your unit, you must follow the instructions listed below. Attach a copy of your current Active Duty orders with any request for release from your RC unit.



USAR IRR/IMA Soldiers ONLY

You do not need to do anything but notify the IRR that they need to forward all records to you or your gaining active duty Command. If they mail the records enclose a copy of your orders. If you were IMA, then you need to contact your program manager so that they know you are not available to fill that IMA position anymore.

USAR TPU Soldiers ONLY

Must prepare a DA form 4651-R ensuring that in Block 5 you request assignment to the USAR Control Group, 1 Reserve Way, St. Louis MO 63132. This form is forwarded up your chain of command to the appropriate Regional Support Command (RSC). The RSC will publish the Orders assigning you to the IRR. The effective date of transfer should be the day prior to the Report date on your EAD Orders.

ARNG Soldiers ONLY

Army National Guard Soldiers must transfer to the USAR Control Group, 1 Reserve Way, St. Louis MO 63132. Soldiers must submit the request through the chain of command to the respective TAGs who will then publish the orders. The effective date of transfer should be the day prior to the Report date on your AD Orders. All orders must be forwarded upon receipt.

Can I transfer my leave from Mob status to the Regular Army Pay System?

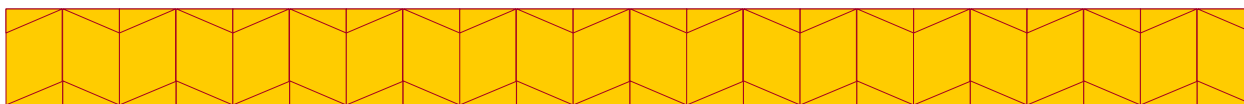
This can be done but you must first get your unused mobilization leave days verified and documented by the mobilization station finance office. It can take a couple of pay periods for finance to credit the leave days, so please be patient and work with them on this issue. If they say it cannot be done ask them to check with the DFAS, Indianapolis on how the leave days can be transferred.

Can I take leave before reporting to my new assignment?

Yes, but it must be on the mobilization side of the house! You must report NLT 1700 on the reporting date as stated on your active duty orders. Your orders bring you on Active Duty from your home address. You will need to settle your final travel voucher with your Mobilization Finance Office. They should explain how this is done during your demobilization process.

Am I authorized Permissive TDY for House Hunting?

Once you report to your gaining unit, it is up to your gaining commander to determine your eligibility for permissive TDY (10 days max, including weekends) for purposes of "house hunting". It is important that you in-process the installation before you start Permissive TDY. Failure to in-process completely or in a timely manner can cause a delay in pay and entitlements. You are authorized to reside in the Guest Housing on post for up to



10 days while house hunting. If no spaces are available in Guest Housing then you must have a “Statement of Non-Availability” from them, in order to be reimbursed.

Am I entitled to an Advance Pay for travel to gaining unit?

This is an entitlement, but since you are not loaded into the active duty pay system this is not possible. Your settlement voucher, which you will file at the installation, will cover all travel expenses from home to gaining command.

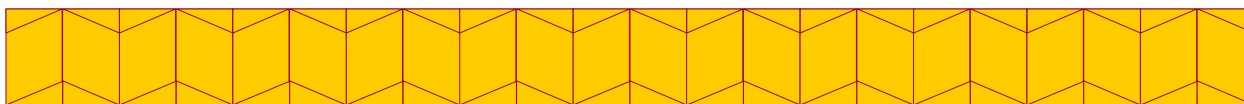
Who manages my MPRJ, Medical and Dental Records?

It is important that you get your MPRJ from your RC unit and hand carry the records to the gaining installation. You will need all these records to be properly in-processed at the installation. If it is impossible to obtain your MPRJ in time then USAR soldiers should try to access their digital file on <https://www.2xcitizen.usar.army.mil/>. Print all the documents you can so that the installation can create a temporary file until your OMPF is received. ARNG officers have a digital file which can be accessed through the Guard net. Enlisted ARNG soldiers do not have a digital file and **must** hand-carry their hard copy records to the gaining installation.

What should I expect when I arrive at my new Duty Station?

Check out the following website for information about your gaining installation. <https://www.dmdc.osd.mil/swg/owa/WebGuard.Login?APPL=9004&RULE=01>

Upon arrival at the installation, you must in-process. The unit should assign a sponsor to you to assist in your in-processing. Duty uniform is required for in-processing. Remember a first impression is a lasting one. Please be patient with the installation. Sanctuary status is growing, but is still rare. Some installations will not know how to handle you. One thing they must do is access you into the AC Pay System (DJMS-AC). Unfortunately, on occasion, this may take a little time to complete. It may be frustrating, but they will do the best they can. In cases of emergency, it is possible to see if Army Emergency Relief (AER) can help. Keep in mind that you will have to pay back any loans they give you, but they should understand your situation and help. You must also make sure that the PSB prepares a DA Form 1506 (Statement of Service), for pay purposes. This document will generate your correct Pay Entry Basic Date (PEBD) and adjust your Basic Active Service Date (BASD). As a courtesy to the installation, we will provide a DA Form 1506 that was prepared by this office to determine your eligibility for Sanctuary. The installation finance office may not choose to accept our document and may require that one be completed at their own at the installation; this is not uncommon. If they need to prepare one, you may provide them the one this office completed as a reference only. You will need to provide them with proof of all active duty, to include every DD214, any available LES's, and all of your enlistment contracts/extensions for this to be done correctly. Unfortunately, until the PSB completes and certifies the form, you will be paid for less years of service (sometimes 0 years). Keep in mind that the Reserve (DJMS-RC) and Active Component (DJMS-AC) pay systems do not communicate. Once the DA FORM 1506 is complete, they will



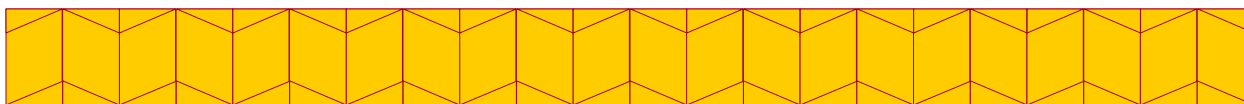
back pay you at the correct Pay Entry Basic Date (PEBD). Also bring a Direct Deposit form (SF 1199a) and a cancelled check with you to your finance briefing.

What do I need to do to update my digital file?

Take the time to update your file at <https://www.2xcitizen.usar.army.mil/> ARNG soldiers may have to have to build a file from scratch on the RC side of the house through this website. This site is a very user-friendly system and clearly lists POCs and instructions of who and where the documents are to be sent. To expedite this process write or type your SSN in the upper left hand side of all documents you send to them. All unprofiled/missing NCOERS and OERS must be sent as “true certified copies” by your gaining PSNCO. Normal business rules are that they will not accept them from you. All missing OERS/ NCOERS must be forwarded to the OER/NCOER section at AR-PERSCOM before being digitally permed. Other documents can be forwarded by you directly to your digital file. The web site has a list of what they can accept. Ensure that you attach a copy of your Sanctuary orders to any mailings to AR-PERSCOM so that they know what your status is. It is not uncommon for them to check the system and see your current organization is AD and assume that you are not managed by them. It can take awhile to get the documents permed so please be patient.

What are pay entitlements while on Sanctuary?

You are treated the same as any Active Army soldier and will receive Basic Allowance for Housing (BAH) based on your duty station and marital/dependent status (with or without dependents rate). To check how much BAH to expect, check out the following website and enter the zip code of the gaining command. <http://www.dtic.mil/perdiem/bahform.html> While under sanctuary you are authorized to move (PCS) your family to your gaining command. Unless the area of assignment or tour restrictions prohibits your dependents to PCS you will not be authorized family separation pay. Generally, it is your choice to bring your dependents with you or not. If you are married or have dependents and your dependents are moving with you, then you are entitled to add your name to the family housing list and reside on post. The wait list for Government Quarters varies per installation. Always check with the installation housing office on their policies that govern renting or buying a house off post. If you are a single soldier without dependents, the gaining unit may require that you live in the billets they provide and not draw BAH. Check with your gaining unit PSNCO about the rules on enlisted soldiers BAS entitlement. Unless your AD unit sends you TDY, you will not receive PER DIEM as you have been doing so on Mobilization. Enlisted soldiers will receive a clothing allowance. Your installation Finance Office can explain how much to expect and when it is to be paid. Once enlisted soldiers enter this program, they will not be allowed to DX military clothing anymore. Officers are not entitled to a yearly clothing allowance.



Who do I forward my OERS/NCOERS to?

Please ask your PSNCO to attach a DA form 200 to all OER/NCOERs and mail to the following address.

PERSCOM
ATTN: TAPC-PDZ-B
(EAD MGT BRANCH)
200 Stovall Street
Alexandria, VA 22332

Your gaining unit will need to forward all of the ratings you receive while on sanctuary, to this office. We will ensure that it reaches the right place and does not get rejected or lost in the system. Keep in mind that we do not maintain your rating scheme nor do we track when your reports are due, but act as a liaison in getting the reports processed. This is subject to change, but as of right now – Officers while on Sanctuary your OERS must be profiled by AR-PERSCOM.

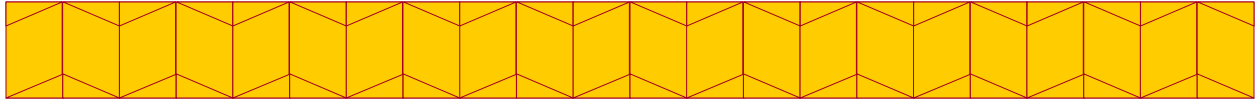
PROMOTION?

Currently, enlisted sanctuary soldiers compete for RA Promotions. An alternate solution is being considered. Officers compete for the Reserve Active Status List (RASL) promotions and Warrant Officers compete on the Active Duty List (ADL) for promotion. Please make sure that you have updated your digital record at <https://www.2xcitizen.usar.army.mil/> and have a current Photo on <https://myperscom.army.mil/>. All soldiers are required to set up an AKO account and I would like to ask that you forward it to your work email so that we can stay in touch with you. We will keep you updated on current policy or business rules for sanctuary, to include promotion. Once you get settled in at work, please mail back the attached information sheet which will assist us in updating your personal information.

Please email us with any further questions at the address provided on the front sheet.

NUMBERS TO KNOW. (DSN: 221)

EAD Mgt Branch Chief:	SGT(P) Martin	V: 703-325-9097
	Mistie.martin@hoffman.army.mil	
Asst EAD Mgt Branch Chief:	SGT Dean	V: 703-325-5105
	Robert.Dean@hoffman.army.mil	
Admin NCO/D-Base Specialist	SPC Carey	V: 703-325-1790
	careys@hoffman.army.mil	



HUMAN RESOURCES OFFICE STAFF

Commercial: (505) 474-XXXX DSN: 867-8XXX

FAX: (505) 474-1544 DSN: 867-8544

E-Mail: firstname.lastname@nm.ngb.army.mil

COL Marita Patterson	Human Resources Officer	EXT. 1287
Mr. Steve Moya	Deputy HRO	EXT. 1295
Vacant	Supervisory Human Resources Specialist	EXT. 1283
Mr. Walter Ross	Human Resources Specialist (Recruit & Placement)	EXT. 1556
SSG Ray Chavez	Human Resources Assistant (Recruit & Placement)	EXT. 1216
SMSgt Don Saiz	Human Resources Specialist (Classification)	EXT. 1219
Mrs. Geni Hatch	Human Resources Specialist (Employee Benefits)	EXT. 1286
SGT Randy Trujillo	Human Resources Assistant (Employee Benefits)	EXT. 1028
SMSgt Ray Flores	Human Resources Assistant (Employee Development)	EXT. 1513
SFC Stephen Gonzales	EEO/EO Manager	EXT. 1228
Vacant	Labor Relations Specialist	
Mrs. Liz Perry	Human Resources Specialist (Information Systems)	EXT. 1227
SFC Cecilia Chavez	Program Analyst	EXT. 1966
MAJ Carla Romero	AGR Program Manager	EXT. 1573
SSG Marcella Cooper	Personnel SGT—AGR	EXT. 1849
Vacant	Personnel SGT—AGR	EXT. 1550
MSgt Donnie Reams	Human Resources Assistant—AGR	EXT. 1218
SSG George Zimpleman	Health Systems Specialist	EXT. 1577